

**REMARKS/ARGUMENTS**

This paper is responsive to the Final Office Action dated March 16, 2004, having a shortened statutory period expiring on June 16, 2004 wherein:

Claims 1, 3-11, 13-56 were previously pending in the application; and

Claims 1, 3-11, 13-56 were rejected.

In the present response to Office Action, no claims have been added, canceled, or amended. Accordingly, claims 1, 3-11, 13-56 remain currently pending.

***Rejection of Claims under 35 U.S.C. §102***

In the present Office Action, Claims 1-56 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,408,518, issued to Yunoki (hereinafter, "*Yunoki*"). While not conceding that the cited reference qualifies as prior art, but instead to expedite prosecution, Applicants have chosen to traverse the claim rejections as follows. The following arguments are made without prejudice to Applicants' right to establish, for example in a continuing application, that the cited reference does not qualify as prior art with respect to an invention embodiment currently or subsequently claimed.

With regard to Applicants' claim 1, Applicants respectfully submit that *Yunoki* fails to teach a method for adding a network station client to an ongoing conference call, said method comprising:

extending a persistent invitation to a first network station client to join a conference call in response to a determination that the first network station client is unavailable to accept a non-persistent invitation to join the conference call...

as required by Applicants' claim 1 (emphasis supplied), and generally required by Applicants' claims 11, 24, and 39. In order to establish anticipation, each and every element of Applicants' claim(s) must be shown within a cited reference, see MPEP §2131. Accordingly, Applicants' claim 1 requires the extension of a persistent conference call invitation to a first network station client responsive and therefore

subsequent to a determination that the first network station client is unavailable. Although the Examiner has repeatedly stated that *Yunoki* teaches this element of Applicants' claim, (see, e.g., Non-Final Office Action of October 23, 2002, page 2, paragraph 3 citing *Yunoki*, Fig. 1 and Column 4, Lines 30-61, and the present Final Office Action, additionally citing *Yunoki*, Column 5, Line 28 – Column 6, Line 5, and Column 6, Line 61 – Column 7, Line 47) Applicants respectfully submit that *Yunoki* fails to teach extending any invitation to a network station client following a determination that the network station client is unavailable and therefore cannot be construed as anticipating Applicants' claim. Moreover, Applicants submit that the Examiner has repeatedly failed to indicate specifically how and where the cited portions of *Yunoki* teach extending a persistent invitation to a first network station client to join a conference call, "in response to a determination that the first network station client is unavailable" as required by 37 C.F.R. §1.104(c)(2). Accordingly, Applicants submit that the present Office Action fails to state a *prima facie* case of anticipation under 35 U.S.C. §102.

The cited portions of *Yunoki* teach a teleconference reservation notifier used to reserve and cancel a teleconference run and to notify participants of the teleconference run and/or its cancellation, a teleconference status confirmers to notify a teleconference participant of the date and time of a teleconference run in response to an inquiry, and a teleconference executor to connect all participants at the time of the teleconference run. *Yunoki* further teaches a teleconference absence notifier used to receive an absence notification request from an invited teleconference participant who is to be absent from the teleconference, to notify remaining teleconference participants of such an absence, and to remove the participant who is to be absent from the teleconference run from a teleconference data database.

The Examiner's cited portions of *Yunoki* do not teach however the extension of a subsequent invitation to join a conference call following a request for absence notification. Furthermore, because a participant requesting absence notification is deleted from the teleconference data database, such a former participant would not even be identifiable for purposes of sending such a subsequent invitation to them according to the teaching of *Yunoki*. Consequently, Applicants respectfully submit that *Yunoki* fails to teach, "extending a persistent invitation to a first network station client to join a

conference call in response to a determination that the first network station client is unavailable" as claimed (emphasis supplied).

Applicants further respectfully submit that *Yunoki* fails to teach a method for adding a network station client to an ongoing conference call, said method comprising:

directing a token generator to issue a token to the first network station client in response to user input to a second network station client; and

adding the first network station client to the conference call when the first network station client accepts the persistent invitation to join the conference call utilizing said token.

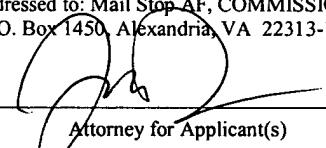
as required by Applicants' claim 1 (emphasis supplied), and generally required by Applicants' claims 11, 24, and 39. As admitted by the Examiner in the present Office Action, *Yunoki* teaches that "a teleconference run device holds a teleconference by automatically connecting all attending teleconference participants online on the date and time of the teleconference run" (*Yunoki*, Abstract, see also *Yunoki*, Column 8, Lines 55-68) According to the teaching of *Yunoki*, a teleconference participant is therefore added to a teleconference run not by "accepting" an invitation to join but rather by merely failing to request an absence following notification of the teleconference. In other words, a participant could be added to a teleconference run under the teaching of *Yunoki* without ever having reviewed any data regarding the teleconference.

Applicants therefore submit that *Yunoki* fails to teach accepting a persistent invitation to join a conference call utilizing any data, messages, or instructions previously provided to the teleconference participant. Consequently *Yunoki* cannot be construed as teaching "adding the first network station client to the conference call when the first network station client accepts the persistent invitation to join the conference call utilizing said token" and/or "directing a token generator to issue a token to the first network station client in response to user input to a second network station client" as claimed. (Applicants' claim 1, emphasis supplied)

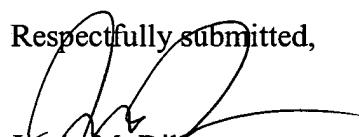
Applicants therefore respectfully submit that independent claim 1 is allowable over *Yunoki*. Applicants' claims 3-10 depend directly or indirectly from claim 1 and are therefore allowable for at least those reasons stated for the allowability of that claim. Applicants' claims 11, 24, and 39 contain one or more limitation substantially similar to those of claim 1 and are therefore, along with corresponding dependent claims 13-23, 25-38, and 40-56, similarly allowable for at least those reasons stated for the allowability of that claim.

**CONCLUSION**

In view of the amendments and remarks set forth herein, the application is believed to be in condition for allowance and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the Examiner is invited to telephone the undersigned at 512-439-5097.

<p>I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop AF, COMMISSIONER FOR PATENTS, P. O. Box 1450, Alexandria, VA 22313-1450, on <u>5-17-04</u>.</p> <p> _____ Attorney for Applicant(s)</p> <p><u>5-17-04</u> Date of Signature</p>	
---	--

Respectfully submitted,

  
Justin M. Dillon  
Attorney for Applicant(s)  
Reg. No. 42,486  
(512) 439-5097 [Phone]  
(512) 439-5099 [Fax]